

REMARKS

Status

Claims 1-32 are pending in the application. By the present amendment, claims 5, 6, 16 and 20-32 have been canceled, and new claims 33 and 34 have been added.

Accordingly, it is now claims 1-4, 7-15, 17-19, 33 and 34 which are at issue.

The Office Action

In the Office Action mailed March 13, 2007, claims 1, 3-5, 12 and 14-16 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 5,817,436 of Nishijima. Claims 1-4, 12, 13 and 12-15 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 6,132,905 of Kumar.

In addition, claims 7 and 18 were rejected under 35 U.S.C. §103 as being unpatentable over Nishijima in view of U.S. Patent 5,910,832 of Goodenough. Claims 9, 10 and 19 were rejected under 35 U.S.C. §103 as being unpatentable over Nishijima in view of U.S. Patent 5,948,569 of Moses. Claims 9, 11 and 19 were rejected under 35 U.S.C. §103 as being unpatentable over Nishijima in view of U.S. Patent 6,153,333 of Barker.

Claims 1-19 were rejected under 35 U.S.C. §112, first paragraph.

In addition, the Examiner indicated that claims 6, 8 and 17 embodied allowable subject matter and would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the search, for the thorough explanation of the prior art and of the basis of the rejections, and for the indication of allowable subject matter.

All Claims Are Now in Condition for Allowance

By the present amendment, Applicant has amended the claims to embody the subject matter which the Examiner has indicated is allowable. Accordingly, all claims are in condition for allowance.

Specifically, claim 1 has been amended to recite that the first component is a phosphate of a metal selected from the group consisting of Fe, V, Mn, and combinations thereof. As such, claim 1 now incorporates the limitations of claim 6 which was indicated as being allowable. Likewise, claim 12 was similarly amended to include the limitations of claim 6 therein. Accordingly, independent claims 1 and 12, and all claims dependent thereupon, are in condition for allowance.

Applicant has herewith presented new independent claim 33. This claim tracks claim 1 and includes the allowable subject matter of claim 8 therein. Accordingly, new claim 33, and claim 34 dependent thereupon, are allowable.

In view of the amendments made to the claims, the rejection under 35 U.S.C. §112, first paragraph, is also overcome.

By the present amendment, Applicant has canceled claims 20-32 which, in response to the restriction requirement, were withdrawn from consideration.

Conclusion

In view of the foregoing, the application is in condition for allowance. Any questions, comments or suggestions the Examiner may have which will place the application in still better condition for allowance should be directed to the undersigned attorney.

Dated: 5-9-2007

Respectfully submitted

By

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